

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HARVEY HOWITZ, Derivatively on Behalf
of TENET HEALTHCARE CORPORATION,

Plaintiff,

v.

TREVOR FETTER et al.,

Defendants,

-and-

TENET HEALTHCARE CORPORATION, a
Nevada Corporation,

Nominal Defendant.

Civil Action No. 3:17-cv-195-M

ORDER

Before the Court is Plaintiff's Motion to Stay (ECF No. 11). The Motion is **GRANTED**. On January 23, 2017, Plaintiff filed this shareholder derivative complaint on behalf of Tenet Healthcare Corporation alleging breach of fiduciary duty, waste of corporate assets, and unjust enrichment against certain of the Company's officers and directors. Counsel for Defendants have agreed to accept service for Defendants and waive service of summons. Two securities fraud class actions, *Yamany v. Tenet Healthcare Corporation, et al.*, No. 3:16-cv-02848 ("*Yamany*"), and *Pennington v. Tenet Healthcare Corporation, et al.*, No. 3:16-cv-03260 ("*Pennington*"), are pending in the U.S. District Court for the Northern District of Texas. The class actions assert federal claims arising from facts common to this case. On February 10, 2017, *Yamany* and *Pennington* were consolidated into the caption styled *In re Tenet Healthcare Corporation*

Securities Litigation (the “Securities Action”).¹ Based on the unique circumstances of this case, the parties have reached an agreement to temporarily stay the case pending the final resolution of the anticipated motion to dismiss the Securities Action. The stay is subject to the following terms:

1. This action, including all deadlines and hearings, is hereby temporarily stayed pending entry of an order finally resolving Defendants’ anticipated motion to dismiss in the Securities Action;

2. Within thirty (30) days of an order finally resolving Defendants’ anticipated motion to dismiss in the Securities Action, the Parties shall meet and confer and submit a proposed schedule to the Court for further proceedings in this action, including the possibility of seeking a further stay;

3. During the course of the stay referred to in paragraph 1, and subject to the execution of appropriate protective orders or confidentiality agreements in both the Securities Action and this action, Defendants agree to promptly provide Plaintiff, through undersigned Counsel at Robbins Arroyo LLP designated as Plaintiff’s receiving agent, with copies of all discovery produced by Defendants to the plaintiffs in the Securities Action soon after such discovery is produced to the plaintiffs in the Securities Action by Defendants, including all transcripts of depositions taken in the Securities Action;

4. In the event that a mediation takes place in regards to the Securities Action or any other factually related shareholder action during the course of the stay referred to in paragraph 1, Defendants will provide reasonable advance notice of the mediation;

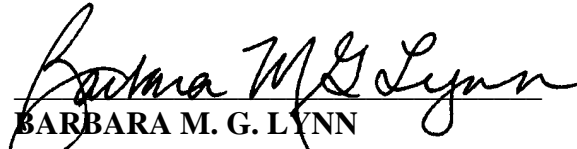
¹ See Order Consolidating Related Cases, Appointing Lead Plaintiffs, and Approving Lead Plaintiffs’ Choice of Lead and Liaison Counsel, *Yamany v. Tenet Healthcare Corporation, et al.*, No. 3:16-cv-02848-C (N.D. Tex. Feb. 10, 2017), ECF No. 23.

5. The composition of Tenet's Board of Directors that will be considered in connection with determining whether Plaintiff's Verified Stockholder Derivative Complaint has adequately pled under applicable law that a pre-litigation demand on the Company's Board of Directors would have been futile shall be the composition of the Board of Directors as of January 23, 2017, the date this action was initiated; and

6. By entering into this Stipulation, the parties do not waive any rights or defenses not specifically addressed herein, including the right to file any motion that any party deems appropriate, including a motion to lift the stay.

SO ORDERED.

April 3, 2017.


BARBARA M. G. LYNN
CHIEF JUDGE